

### **REMARKS/ARGUMENTS**

The Office Action mailed September 29, 2010 has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this response, claims 1, 3, 5-16, 39-47 and 51-54 remain pending in this Application. Applicants would like to thank the Examiner for removing the previous 101 rejections of claims 42-45 stated in the Office Action dated April 12, 2010. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

#### **Rejections under 35 U.S.C. § 103**

Claims 1, 42, 43, 44, 45, 51, 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1, hereinafter referred to as "Roth"), in view of Billmaier et al. (US 2003/0106054 A1, hereinafter referred to as "Billmaier").

Independent claim 1 recites, among other things:

displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series

None of the references of record disclose or suggest at least this feature of independent claim 1. The Office Action on pages 3-4 admits that Roth does not disclose or suggest this feature of claim 1 (*See*; Office Action, page 3, "Roth fails to explicitly teach displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series, wherein the additional episodic series include favorite series.") However, on pages 3-4, the Office Action alleges that Billmaier describes this feature of claim 1. Billmaier describes a sequence of cards that "graphically represents available options within an information system." (*See*; Billmaier, Abstract.) While the cards of Billmaier "may include various types or combinations of artwork, digital photography, captured video frames, animations, or the like," (*See*; Billmaier, paragraph 26) the cards are not configured to "display additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series," as claimed. The Office Action tries to cure

this deficiency by citing paragraph 75 of Billmaier, which discusses that “information targeted to the user based on user profile information” may be displayed. (*See*; Billmaier, paragraph 75.) However, the display of information based on user profile information is not equivalent to the display of favorite series, as claimed. Instead, the user profile may include information completely unrelated to a favorite series; for instance, the user profile may include information related to a person’s sex, age, marital status, etc. Therefore, basing the display of information on a user profile is not the same as displaying favorite series, as claimed. Therefore, claim 1 is in condition for allowance.

Independent claim 42 recites, among other things:

automatically display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series

None of the references of record disclose or suggest at least this feature of independent claim 42. The Office Action on page 6 admits that Roth does not disclose or suggest this feature of claim 1 (*See*; Office Action, page 6, “Roth fails to explicitly teach display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title, the additional episodic series include most viewed series.”) However, also on page 6, the Office Action alleges that Billmaier describes this feature of claim 1. As stated above, Billmaier describes a sequence of cards that “graphically represents available options within an information system.” (*See*; Billmaier, Abstract.) While the cards of Billmaier “may include various types or combinations of artwork, digital photography, captured video frames, animations, or the like,” (*See*; Billmaier, paragraph 26) the cards are not configured to “display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series,” as claimed. The Office Action tries to cure this deficiency by citing paragraph 75 of Billmaier, which discusses that “information targeted to the user based on user profile information” may be displayed. (*See*; Billmaier, paragraph 75.) However, the display of information based on user profile information is not equivalent to the display of most viewed series, as claimed. Instead, the user profile may include information completely unrelated to most viewed series; for instance, the user profile may include information related to a person’s

sex, age, marital status, etc. Therefore, basing the display of information on a user profile is not the same as displaying most viewed series, as claimed.

Therefore, claim 42 is in condition for allowance. Claims 43-45 depend from independent claim 42 and are distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Independent claim 51 recites similar features to those discussed above for independent claim 42; hence, claim 51 is allowable for similar reasons to those given above for claim 42. Claims 52 and 54 depend from independent claim 51 and are distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Claims 3, 5-10, 12, 13-15, 16, 39, 44, 46, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, and in further view of if Ellis (US 7,493,643 B2). Ellis does not cure the deficiencies of Roth and Billmaier discussed above. Independent claim 46 includes features similar to those discussed above for claim 1. Therefore, independent claim 46 is in condition for allowance for similar reasons to those discussed above for claim 1. Claims 3, 5-10, 12, 13-15, 16, 39, and 47 depend from independent claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein. Claim 44 depends from independent claim 42 discussed above and is distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Claim 53 depends from independent claim 51 discussed above and is distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, further in view of Ellis and further in view of Deweese (US 2005/0262542). Deweese does not cure the deficiencies of Roth and Billmaier discussed above. Claim 11 depends from independent claim 46 discussed above and is distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, further in view of Ellis and further view of Fukuda et al. (US 2004/0068740 A1, hereinafter referred to as "Fukuda"). Ellis and Fukuda do not cure the deficiencies of Roth

and Billmaier discussed above. Claims 40-41 depend from independent claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

All rejections having been addressed, Applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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